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1           DEPUTY COMMISSIONER FILANGERI: -- Uzis  
2 work.

3           INMATE SUEGA: -- is not all that -- it  
4 wasn't all that new in a sense out on the streets,  
5 and like I said, I've been to carnivals where you  
6 have BB guns that shoot out repetitively to shoot  
7 out a star or something for a prize.

8           DEPUTY COMMISSIONER FILANGERI: And you're  
9 not telling me that this thing worked like the BB  
10 gun in the carnival, are you?

11          INMATE SUEGA: It has the same idea.

12          DEPUTY COMMISSIONER FILANGERI: You pull the  
13 trigger to make it go.

14          INMATE SUEGA: Pull the trigger and it  
15 fires.

16          DEPUTY COMMISSIONER FILANGERI: Yeah, but --

17          INMATE SUEGA: And you aim.

18          DEPUTY COMMISSIONER FILANGERI: All right.

19 Okay. That's all the questions I have. Thanks.

20 ~~PRESIDING COMMISSIONER ENG: Okay. Mr.~~

21 Jacobs, do you have any questions that you would  
22 like to pose to the inmate?

23          DEPUTY DISTRICT ATTORNEY JACOBS: Yes, one  
24 or two. The inmate said that he was a member of  
25 the Waterfront Piru and he was in a car with  
26 members of West Side Wilmas. Did those two gangs  
27 get along?

1           **PRESIDING COMMISSIONER ENG:** Sir, respond to  
2 the panel.

3           **INMATE SUEGA:** Then, back then it wasn't --  
4 you know, everyone -- it was the same neighborhood  
5 of different gangs, so everybody got along back  
6 then.

7 Now --

8           **PRESIDING COMMISSIONER ENG:** Back then. So  
9 those gangs did get along?

10          **INMATE SUEGA:** Yes, back then, back in the  
11 '80s --

12          **PRESIDING COMMISSIONER ENG:** Okay.

13          **INMATE SUEGA:** -- early '80s.

14          **PRESIDING COMMISSIONER ENG:** Okay. Mr.  
15 Jacobs?

16          **DEPUTY DISTRICT ATTORNEY JACOBS:** Yes.  
17 Westside Wilmas, that's primarily a Latino gang;  
18 is that correct?

19          **INMATE SUEGA:** Yes.

20          **PRESIDING COMMISSIONER ENG:** Is that true?

21          **INMATE SUEGA:** Yes.

22          **PRESIDING COMMISSIONER ENG:** It is? Okay.

23 Yes.

24          **DEPUTY DISTRICT ATTORNEY JACOBS:** And the  
25 Waterfront Pirus, they're primarily a Blood gang;  
26 is that correct?

27          **INMATE SUEGA:** Yes.

1           DEPUTY DISTRICT ATTORNEY JACOBS: I have  
2 nothing further.

3           PRESIDING COMMISSIONER ENG: Okay. Do you  
4 have any, Counselor, questions for your client?

5           ATTORNEY STRINGER: I do. Thank you,  
6 Commissioner. Mr. Suega, if you were given a  
7 parole date and the Board imposed a number of  
8 conditions upon you, that you attend AA, perhaps  
9 you go to a halfway house, acquire a sponsor,  
10 submit to drug testing, would you comply with each  
11 and every one of those conditions?

12          INMATE SUEGA: Yes, to the letter.

13          ATTORNEY STRINGER: And in the Squires  
14 program have you personally been able to reach or  
15 help some youth?

16          INMATE SUEGA: Yes.

17          ATTORNEY STRINGER: And do you feel you made  
18 a difference in that program?

19          INMATE SUEGA: Yes.

20          ATTORNEY STRINGER: And that's a volunteer  
21 program?

22          INMATE SUEGA: Yes.

23          ATTORNEY STRINGER: Going back for a moment  
24 to some of the Commissioner's questions. If I was  
25 to tell you that two youngsters were injured and a  
26 person lost his life simply because somebody threw  
27 a bottle, how does that affect you now? What do

1     you think of that?

2             **INMATE SUEGA:**   It's tragic, in a sense,  
3     horrendous.   I mean, how could something so small  
4     end up with a life being lost?

5             **ATTORNEY STRINGER:**   Do you realize the  
6     magnitude of that?

7             **INMATE SUEGA:**   Yes.   A man died.

8             **ATTORNEY STRINGER:**   And do you have remorse  
9     for that?

10            **INMATE SUEGA:**   Yes, deeply.

11            **ATTORNEY STRINGER:**   And there are a lot of  
12     people out on the yard that are called, for lack  
13     of a better term, shot-callers.   They tell people,  
14     "You do this, you do that," and sometimes they  
15     tell people to go and injure somebody else.

16            **INMATE SUEGA:**   Uh-huh.

17            **ATTORNEY STRINGER:**   How are you not a person  
18     that they could say go out and do something to  
19     this person, or do something to that person?   How  
20     have you grown to where you would not do that now?

21            **INMATE SUEGA:**   I mean, I'm no longer that  
22     17-year-old impressionable kid that was used then.  
23     I'm 35 years old, and as a man, growing up.   Even  
24     in prison I can stand on my own two feet and say,  
25     you know, that my life and my family's life is  
26     more important to me, you know, now and in the  
27     future, than being accepted by, you know, a group

1 of people that really didn't care about me.

2 **ATTORNEY STRINGER:** Thank you. Thank you,  
3 Commissioner.

4 **PRESIDING COMMISSIONER ENG:** Okay. We're  
5 going to move on to closing statements. Mr.  
6 Jacobs?

7 **DEPUTY DISTRICT ATTORNEY JACOBS:** Thank you.  
8 The position of the Los Angeles District  
9 Attorney's Office is that the prisoner still  
10 represents a danger to the community and shouldn't  
11 be released based on two areas. One, the prisoner  
12 still blames his offense on alcohol intoxication,  
13 that he had not dealt seriously with that problem,  
14 and two, his parole plans are poorly thought out  
15 and offer no prospect for employment. In regards  
16 to one, the prisoner contends he was either drunk  
17 or intoxicated at the time he shot the Uzi through  
18 the VFW Hall door, and most the clinicians offer  
19 this as a valid excuse for his extremely poor  
20 judgment. I suppose that for the fact that the  
21 prisoner was intoxicated, there would've been no  
22 firing of the Uzi. The prisoner first enrolled in  
23 AA in 1995, about five years after arrival at CDC,  
24 which is earlier than most inmates, however, he  
25 has not seriously pursued that endeavor over the  
26 years that he has been incarcerated, and at best  
27 count, taken from the Post-Conviction Progress

1 Reports and the Board Reports, I show 43 months of  
2 AA and 24 months of NA. Most of the NA was taken  
3 in a time frame concurrent with the AA, but for  
4 purposes of making a point, I'll add the two  
5 together to equal 67 months. The prisoner has  
6 been in CDC for 16 years, or roughly 92 -- 192  
7 months. Therefore, the prisoner's participation  
8 in AA and NA has been about 35 percent of his  
9 total stay. I'm very familiar with AA, NA and CA,  
10 and that being Cocaine Anonymous. I've attended  
11 their meetings and group sessions, I listened to  
12 the speakers from the other bar and seminars which  
13 are mandated by the state of California. What I  
14 have learned from all this is that once you're an  
15 alcoholic or addict, you will always remain one  
16 for the rest of your life. There appears to be a  
17 genetic disposition towards addiction, which  
18 although it does not necessarily lead one to the  
19 intoxicant, once the person has found his way  
20 there, the genetic predisposition encourages him  
21 to remain there. That is why it's now being  
22 referred to as a disease. The predisposition can  
23 be overcome but it requires self-discipline and a  
24 firm will to do so. AA/NA meetings are usually  
25 attended once a week. A new recruit may even  
26 attend every day until he gets his demons under  
27 control. The strong-willed individual may cut

1 back to once or twice a month, but they will  
2 always have a sponsor that they can talk to in  
3 case of an emergency, but these people in a free  
4 society. They see the beer commercials every day,  
5 they can smell the odor of alcohol on their boss's  
6 breath after lunch, and they can obtain a drink  
7 for the mere price of a dollar. The prisoner is  
8 not in that position. There are no bars in San  
9 Quentin except the ones on the cell door. There  
10 might be some pruno, but the taste is foul and the  
11 punishment is stiff if you get caught with it. If  
12 the prisoner approaches AA/NA in a half-hearted  
13 manner -- in the half-hearted manner in prison,  
14 how serious is he going to be if he's out in the  
15 free world and he is only required to do so by his  
16 parole officer? He is single. What if a lady  
17 friend says, "Let's stop for a drink"? When I see  
18 the prisoner attend AA with the same frequency as  
19 I see an alcoholic in the free world attend, I  
20 cannot believe that he has licked his habit. I've  
21 seen stronger-willed people than the prisoner fall  
22 off the wagon and lose everything. One senior  
23 deputy sheriff, who was a friend of mine, couldn't  
24 turn loose of the bottle. He is now working as a  
25 security guard. Every psych report conditions the  
26 opinion of the prisoner's dangerousness upon his  
27 abstinence from alcohol and drugs. As Dr. Francis

1 stated in his 2002 psych, the current substance  
2 abuse would impose an enormous risk for the  
3 prisoner and for society, and just to point out  
4 that his attendance of AA, it has been sporadic.  
5 The most attended has been six months during a  
6 year's period of time in AA slash NA. The  
7 prisoner's current parole plans are to live with a  
8 girl named Liza in San Pedro, with a fallback  
9 residence with his cousin, Pete in Wilmington.  
10 The prisoner is apparently planning on moving back  
11 to the neighborhood where the life crime occurred.  
12 In that neighborhood are his old friends from the  
13 Waterfront Piru and Westside Wilmas, Wilmas being  
14 Wilmington, plus the people who used to supply him  
15 with the drugs he sold. The prisoner has not one  
16 employment offer in California, so if we add the  
17 geographical area where the prisoner plans to live  
18 with the lack of an adequate income to support  
19 himself, the temptation would be great to sell  
20 drugs again. The prisoner says he would like to  
21 work in the building trades, but if he thinks that  
22 someone is going to hand him a building trades job  
23 because of his training, he's sadly mistaken. All  
24 the heavy labor construction jobs are now mainly  
25 being held by illegal aliens, and that's from my  
26 own experience. This includes dry-wallers,  
27 roofers, framers, cementers and similar trades.



1 Not affected are the skilled trades, such as  
2 plumbing and electrical, but it took my kid three  
3 years of working at a nonunion electrical job  
4 before he got his foot in the door and was  
5 accepted as apprentice by the IBEW, and he got his  
6 nonunion electrical job through friends who were  
7 already in the trade. Any union steward will tell  
8 you, you can't be a member of the union until  
9 you're employed by a union contractor, and the  
10 union contractor will not hire you until you're a  
11 member of the union, and I believe that's what's  
12 called a Catch 22. As Dr. Payne observed in the  
13 1999 psych report, that significant risk factors  
14 would be not having viable employment, which could  
15 lead the prisoner back to selling drugs to support  
16 himself. I do not see at this point in time that  
17 the prisoner is prepared for parole either through  
18 employment offers or through fact that he has just  
19 really not approached his alcoholism seriously.

20 And again, until he approaches it in the same  
21 manner as an alcoholic would do it out on the  
22 street in free society, I don't think he's ready.  
23 Submit it.

24 **PRESIDING COMMISSIONER ENG:** Thank you. Mr.  
25 Stringer, closing statement?

26 **ATTORNEY STRINGER:** Thank you, Commissioner.  
27 The standard the Board must use is whether or not

1 my client, as he sits before you now, poses an  
2 unreasonable risk of danger to society or a threat  
3 to public safety, and the answer to that, you must  
4 again go to the experts. I think it's worth  
5 pointing out that my client, although coming from  
6 a troubled background and obviously being a youth  
7 in some distress, has now found the wonderful  
8 vocation of education and is now pursuing that  
9 with a real passion. The Board Report indicates  
10 that Mr. Suega has expressed that he would  
11 continue his pursuit of his AA degree to follow  
12 with the completion of his BA in Sociology. So he  
13 is very, very earnest in his support of higher  
14 education, and certainly would attempt to continue  
15 that pursuit upon a grant of parole. The  
16 counselor also indicates that this pursuit and  
17 this initiative is, to use the counselor's words,  
18 overwhelming to further his education. Now even  
19 though he has this initiative, he's also taken  
20 time to involve himself in the Squires program,  
21 and that, as we know, is an excellent program at  
22 San Quentin that helps troubled youth, and what  
23 better person to talk to troubled youth than the  
24 person that has come out of the gang environment,  
25 knows what it is to be a follower, knows what it  
26 is to be a young person in pursuit of a group, a  
27 group of individuals that he thinks cares for them

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1 and are going to support him, but as he, in his  
2 own words says, are in fact just using him and  
3 couldn't care a whit about what happens to him, as  
4 I'm sure he realizes now as he sits before you in  
5 blue. So what better person to talk to these  
6 young people? He doesn't have to do that, but yet  
7 he does, and I think that shows real growth on the  
8 part of my client. In Dr. Inaba's most recent  
9 psychological evaluation, dated May 22<sup>nd</sup> of '06,  
10 the doctor indicates that my client doesn't  
11 possess any of the dynamic risk factors that would  
12 lead to any type of violent recidivism. She also  
13 says that he has an exceptional ability for  
14 academic work. Additionally, she talks about the  
15 fact that an early age his gang membership gave  
16 him both an identity and a sense of belonging.  
17 He's addressed that today, he's indicated how he  
18 has matured in that area, and I think his behavior  
19 in prison shows he hasn't been affiliated with any  
20 gangs, he hasn't been on the periphery of any --

21 **DEPUTY COMMISSIONER FILANGERI:** Excuse me,  
22 please.

23 [Thereupon, a new tape was begun.]

24 **DEPUTY COMMISSIONER FILANGERI:** We're on  
25 tape two of the parole consideration hearing  
26 transcript for Mr. Harrison Suega, S-E-U-G-A, E  
27 like Edward, 46750. Sorry for the interruption.

1 Go ahead, Counsel.

2 **ATTORNEY STRINGER:** Thank you. My client is  
3 no longer a follower or a gang member, or has any  
4 inkling at all to be involved with that type of  
5 lifestyle. He's not on the periphery of any  
6 gangs, he's not affiliated with any gangs, in fact  
7 he eschews all gangs, and certainly that is borne  
8 out again in the fact that he volunteers for the  
9 Squires program, because these are street kids.  
10 In an instant they would know if my client wasn't  
11 sincere in telling them, as they say, like it is.  
12 Now it's a matter of contention, of course, but  
13 the doctor indicates, quote:

14 "There is no evidence that my client  
15 or his companions knew or intended to  
16 harm any of the victims. It would  
17 seem that the firing the weapon  
18 through the door was an impulsive act  
19 of aggression and intimidation that  
20 tragically resulted in the death of  
21 one person and injury to two young  
22 people."

23 Now Mr. Suega has addressed that today, and talked  
24 about the fact that he knew where the gun was, he  
25 put the gun in his hand, he did what we used to  
26 call cock the gun, and obviously resulted in a  
27 round going into the chamber, and the gun was

1 obviously an automatic and fired 11 rounds into  
2 the door, and we all know what happened. So I do  
3 think that the questions of the panel showed that  
4 Mr. Suega does have insight into why this  
5 occurred, how it occurred, and what his role was,  
6 remembering that he was just a youngster at the  
7 time himself. The doctor also indicates if given  
8 enough resources and support, he's an individual  
9 who could end up as a highly functional member of  
10 society. He has the intelligence and awareness to  
11 make valued contributions understanding at-risk  
12 youth. Given that my client is unlikely to commit  
13 further acts of violence, the most tragic outcome  
14 in this case would be to have another life, Mr.  
15 Suega's, sacrificed to abuse and violence. In  
16 many ways Mr. Suega's an exceptional individual  
17 who is capable of making a significant  
18 contribution to his family and society. The most  
19 direct route for him to move closer to that goal  
20 would be participation in therapeutic community  
21 programs such as Delancey Street. He also -- or  
22 the doctor also indicates his parole plans are  
23 realistic. In light of his efforts at  
24 self-understanding and growth, he would seem to be  
25 at low risk for future violence. She also talks  
26 about abstinence and participation in twelve step  
27 programs. With the stipulation that abstinence

1 and participation in twelve step programs should  
2 be ongoing, Mr. Suega would make an excellent  
3 candidate for parole consideration at the present  
4 time. He is not in need of further therapy in  
5 order to return successfully to the community.  
6 Now those individuals that know him and have  
7 worked with him, such as Dr. Gary Menendez, state,  
8 quote:

9 "Harrison has shown a conviction  
10 towards the objectives of the Trust  
11 program. He's demonstrated he  
12 understands the gravity of the damage  
13 caused to the community by his actions  
14 so long ago, and that he is determined  
15 to join his support base in the  
16 community. I believe that he is well  
17 prepared to rejoin society, and I urge  
18 the Board of Parole Hearings to find  
19 him suitable for parole."

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20 This opinion is also echoed by Elaine Leeder, who  
21 is an MSW, CSW, MPH and Ph.D., a professor of  
22 Sociology, and the dean of the School of Social  
23 Science at Sonoma State University. Dr. Leeder  
24 says:

25 "I've also had a number of private  
26 conversations with Mr. Suega in which  
27 I believe I have come to know him

1 quite well. He is a sane and  
2 thoughtful person who has thought  
3 through his life experiences and has  
4 made dramatic and significant changes  
5 in his life. He's a hard-working  
6 student, a committed community member,  
7 and a voice of reason in a very  
8 chaotic environment. He's made  
9 dramatic changes in overcoming his  
10 early life problems, and I believe him  
11 to be an excellent candidate for  
12 parole."

13 Mr. Suega does have viable residence plans. He  
14 has marketable skills within the meaning of  
15 Section 2402(d)(8) of Title 15. He has skills in  
16 Paralegal, Masonry and other trade skills. He  
17 also, as I said, working towards his AA degree.  
18 He has an extended and loving family not only in  
19 the United States but also abroad, and certainly  
20 the Board under its current rules does have the  
21 ability to parole him to another state, or  
22 possibly to another country. So finally the  
23 question of AA. Will Mr. Suega remain sober?  
24 Certainly if he was given a parole date, his agent  
25 could require that he attend, and the rule is for  
26 AA, 90 meetings in 90 days. Certainly he could go  
27 to those meetings, report to his agent on a daily

1 basis. His agent could require that he go to  
2 Walden House. Delancey Street deals with this.  
3 There are several programs that deal with this.  
4 He could either go in as an outpatient or go in as  
5 a resident patient in order to transition. There  
6 are many avenues that can address this particular  
7 problem. He could be randomly tested on a daily  
8 basis. So the state of California would have no  
9 concern that Mr. Suega was in a viable AA program.  
10 But as everybody knows that has had any connection  
11 with AA, it's how you work the steps. It's  
12 whether or not you realize that alcohol has become  
13 an unmanageable part of your life and you can  
14 never drink again, and that isn't something that  
15 you attain by going to meetings every day. That  
16 helps, but it's something you attain by working  
17 the steps and acquiring a sponsor, and those  
18 questions were never asked of him here at the  
19 Board, but I'm certain he will tell you that he  
20 knows that and wants to do that. Nobody can ever  
21 determine whether a person that's an alcoholic  
22 will drink again, but you can put those tools in  
23 place that will support them and assist them, and  
24 the Parole Department does have the ability to do  
25 that. So as a result, I would ask the Board to  
26 seriously consider my client for a date since in  
27 my view he does not pose an unreasonable risk of



1 danger to society or a threat to public safety.

2 Thank you.

3 **PRESIDING COMMISSIONER ENG:** Okay. Sir,  
4 this is your chance, if you choose to, to present  
5 a final statement to the panel on your parole  
6 suitability.

7 **INMATE SUEGA:** Yes. Well, as I said  
8 earlier, it was 1989, January 24<sup>th</sup>, 1989. It was  
9 never a question of whether I was guilty for the  
10 murder of Mr. David Ryan, and the injuries that I  
11 caused Miss Priscilla Perez and Louis Cortez. You  
12 know, I knew I was guilty and I knew I had to  
13 accept responsibility, and I accepted  
14 responsibility then, and I accept responsibility  
15 now, and, you know, that is reflected on what I  
16 have done to get to the point, you know, to where  
17 I'm at now, mentally as well spiritually, and it  
18 was a transition that was difficult, you know,  
19 prison is a stressful environment, but I live  
20 beyond that, you know, I focused beyond that to  
21 better myself in a sense, and you know, I've lived  
22 that day, you know, often, every day of my life,  
23 and I wish there were a lot of things that I  
24 could've done differently, and yet, you know, the  
25 reality is that I can't undo the past, I can't  
26 undo what I've done, you know, since the age of  
27 13, and all the way to the age of 17, but what I

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1 can undo is the moral fiber, the negative values  
2 that I adopted at the time and functioned under,  
3 and made, and based my behavior and decisions on,  
4 and so that, I can change, and that, I have  
5 changed, and I could say that I'm, you know, I'm  
6 ready to be paroled, and I hope that you find me  
7 suitable, because I am ready to be paroled and  
8 wouldn't go back to alcohol or drugs, or find  
9 myself in a situation that I was in. With that,  
10 you know, I would thank all of you for your time  
11 and patience in hearing and ask that, you know,  
12 again, I be honest consideration for suitability  
13 hearing. Thank you.

14 PRESIDING COMMISSIONER ENG: Okay. Thank  
15 you. We'll now recess. The time is six p.m.

16 R E C E S S

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1 CALIFORNIA BOARD OF PAROLE HEARINGS

2 D E C I S I O N

3 PRESIDING COMMISSIONER ENG: Are we on the  
4 record?

5 DEPUTY COMMISSIONER FILANGERI: Uh-huh.

6 PRESIDING COMMISSIONER ENG: Oh, okay. All  
7 right. The time is now 6:22. In the matter of --  
8 I hear the feedback -- Harrison -- I'm sorry, I  
9 apologize for the name, pronounced Suega?

10 INMATE SUEGA: Suega.

11 PRESIDING COMMISSIONER ENG: Suega?

12 INMATE SUEGA: Suega.

13 PRESIDING COMMISSIONER ENG: Suega. The  
14 panel -- oh, I have to note that everyone who was  
15 in the room prior to our recess for deliberations  
16 has since returned. So the panel has reviewed all  
17 the information received and relied on the  
18 following circumstances in concluding that the  
19 prisoner is not suitable for parole and would pose  
20 an unreasonable risk of danger to society or a  
21 threat to public safety if released from prison.

22 The commitment offense was carried out in an  
23 especially cruel and/or callous manner. There  
24 were multiple victims that were attacked, injured,  
25 and/or killed in the same incident. The offense  
26 was carried out in a dispassionate manner, it was

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1 carried out in a manner which demonstrates an  
2 exceptionally callous disregard for human  
3 suffering, and the motive for the crime was  
4 inexplicable or very trivial in relation to the  
5 offense, and these conclusions are drawn from the  
6 Statement of Facts wherein the prisoner was  
7 apparently the only one armed with a weapon, a  
8 deadly weapon, it turned out to be an Uzi, and  
9 succumbed to peer pressure, it appears, by your  
10 fellow gang member yelling, "Shoot at the door.  
11 Shoot at the door," and without thinking, you just  
12 went ahead and ended up killing a man --

13 **INMATE SUEGA:** Uh-huh.

14 **PRESIDING COMMISSIONER ENG:** -- injuring  
15 another person, and injuring a five-year-old girl  
16 in the commission of that crime, so again, there  
17 were multiple victims, and then basically  
18 everybody took off. And again, the motive, I  
19 cannot figure out what the motive was in terms of  
20 doing that shooting. The prisoner has a pattern  
21 of criminal conduct that dates back to when you  
22 were a juvenile, and most of your juvenile arrests  
23 and charges, as well as your arrests and charges  
24 leading up to the life crime were pretty much all  
25 drug related. The inmate has failed previous  
26 grants of probation, specifically juvenile

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1 probation, and failed to profit from society's  
2 attempts to correct your criminality, and all of  
3 this led to -- up to the life crime. Regarding  
4 your institutional behavior, we feel that the  
5 inmate has programmed in a somewhat limited manner  
6 while incarcerated, mainly because the panel feels  
7 that more programming is needed for the inmate to  
8 really come to grips with the causative factors  
9 leading to the life crime.

10 INMATE SUEGA: Uh-huh.

11 PRESIDING COMMISSIONER ENG: Okay. And  
12 you've upgraded -- limited upgrading of  
13 vocational. In terms of misconduct while  
14 incarcerated includes -- I got a list, five 128a,  
15 the last one being in 1997, which is refusing to  
16 report to work, and two 115 disciplinary reports,  
17 the last one being in 1994 for force and violence.  
18 The psychological report dated May 22<sup>nd</sup>, 2006,  
19 authored by Dr. Inaba, I-N-A-B-A, was supportive.  
20 Regarding your parole plans, sir, the panel feels  
21 that they're not strong enough. You do have some  
22 residential offers, however, be sure that you have  
23 as current letters as possible --

24 INMATE SUEGA: Uh-huh.

25 PRESIDING COMMISSIONER ENG: -- and that  
26 within those letters there is an address clearly

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1     stated on the letter, the date, and not only that,  
2     but very specifically spells out what they are  
3     offering to you. If you have people who are  
4     offering a roof over your head, get as detailed as  
5     possible, what does that mean. Does that mean  
6     you're going to be sleeping on the floor  
7     indefinitely? Also, if they're offering financial  
8     support, what type of financial support are they  
9     offering? Are they offering you, you know,  
10    medical help, are they offering your  
11    transportation, etcetera, okay? The more  
12    information that you can provide, the more solid  
13    the plan is.

14           **INMATE SUEGA:** Uh-huh.

15           **PRESIDING COMMISSIONER ENG:** Does that make  
16    sense to you? Okay. Also regarding employment  
17    plans, were really nonexistent. And again, the  
18    panel understands how difficult it is to get any  
19    type of job offers, letters of offers, while  
20    you're incarcerated. However, as I stated before  
21    to you, any and all documentation of your level of  
22    effort in terms of reaching out and looking at all  
23    your different alternatives, keeping some type of  
24    record of it, and presenting that to the panel,  
25    documentation of what you're doing.

26           **INMATE SUEGA:** Uh-huh.

27    **HARRISON SUEGA     E-46750     DECISION PAGE 4     11/30/06**

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1           **PRESIDING COMMISSIONER ENG:** Regarding 3042  
2 responses, we note that the District Attorney's  
3 representative from Los Angeles County was --  
4 stated their opposition to parole at this time.  
5 The panel makes the following findings: that the  
6 inmate needs, again, additional programming in  
7 order to face, discuss, understand and cope with  
8 stress in a nondestructive manner. Until progress  
9 is made, the inmate continues to be unpredictable  
10 and a threat to others. Nevertheless, we feel  
11 that the inmate should be commended for  
12 participation in the Squires program, the Trust  
13 program, being disciplinary free for the past 12  
14 years. I believe you have also obtained your  
15 Masonry vocation, and your work also in Dry  
16 Cleaning, and you're currently working on the  
17 Plumbing. However, these positive aspects of his  
18 behavior do not outweigh the factors of  
19 unsuitability. In a separate decision the hearing  
20 panel finds that it is not reasonable to expect  
21 that parole would be granted at a hearing during  
22 the following two years, and the specific reasons  
23 for the finding are as follows. Again, the  
24 prisoner committed the offense in an especially  
25 cruel manner. You blindly shot into a door with  
26 an Uzi weapon without any thought about what or

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1 who you could be hitting or hurting. As it turns  
2 out, multiple victims were attacked, injured, and  
3 one of which ended up dying. It was carried out  
4 in a very dispassionate manner and was carried out  
5 in a manner that demonstrates an exceptionally  
6 callous disregard for human suffering, and again,  
7 the motive for the crime is inexplicable or  
8 trivial in relation to the offense, and you've got  
9 somewhat of a history of unstable relationship  
10 with others and just -- that's inherent in the  
11 fact that you were a gang -- you were sort of a  
12 member of one gang and trying to get accepted by  
13 another gang. We feel that the prisoner has not  
14 completed the necessary programming which is  
15 essential to his adjustment and needs additional  
16 time to gain such programming. This is very  
17 important, and this goes back to what Commissioner  
18 -- my fellow Commissioner was alluding to during  
19 -- when he was asking you questions. The panel  
20 believes that the inmate needs a much greater  
21 understanding of the causative factors associated  
22 with the life crime. When you get a copy of the  
23 transcript, go back and read that, okay?

24 **INMATE SUEGA:** Yeah.

25 **PRESIDING COMMISSIONER ENG:** Therefore a  
26 longer period of observation and evaluation of the

27 **HARRISON SUEGA E-46750 DECISION PAGE 6 11/30/06**



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1 prisoner is required before the Board should find  
2 that the prisoner is suitable for parole. The  
3 panel recommends that you remain disciplinary  
4 free, that if and when available, you upgrade more  
5 vocationally. The more that you can have  
6 vocationally, the better your chances are of  
7 finding employment on the outside, okay? And if  
8 available, continue to participate in any and all  
9 types of self-help and programming. I think  
10 you've done well in the past. Don't stop there.

11 **INMATE SUEGA:** Uh-huh.

12 **PRESIDING COMMISSIONER ENG:** Take a look at  
13 everything that could be available, and not only  
14 that, but write -- start writing down and bring us  
15 documentation about what you got out of the  
16 program and how you might be utilizing that on a  
17 daily basis to change in your ways to ensure that  
18 you would not fall prey, okay, to outside  
19 influences again that could cause you to break the  
20 law. That basically concludes my reading of the  
21 decision, and I'm going to ask Commissioner  
22 Filangeri if he's got any other comments.

23 **DEPUTY COMMISSIONER FILANGERI:** No, thank  
24 you.

25 **PRESIDING COMMISSIONER ENG:** Okay. We wish  
26 you good luck, sir. The time is now -- what time

27 **HARRISON SUEGA E-46750 DECISION PAGE 7 11/30/06**

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1 is it? Six thirty-two.

2 A D J O U R N M E N T

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23 PAROLE DENIED TWO YEARS

24 THIS DECISION WILL BE FINAL ON: MAR 30 2007

25 YOU WILL BE PROMPTLY NOTIFIED IF, PRIOR TO THAT  
26 DATE, THE DECISION IS MODIFIED.

27 HARRISON SUEGA E-46750 DECISION PAGE 8 11/30/06

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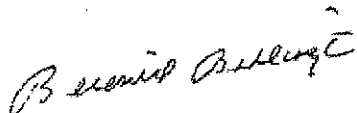
CERTIFICATE AND  
DECLARATION OF TRANSCRIBER

I, Berenice Billington, a duly designated transcriber, NORTHERN CALIFORNIA COURT REPORTERS, do hereby declare and certify under penalty of perjury that I have transcribed tape(s) which total two in number and cover a total of pages numbered 1 - 103, and which recording was duly recorded at CALIFORNIA STATE PRISON, at SAN QUENTIN, CALIFORNIA, in the matter of the SUBSEQUENT PAROLE CONSIDERATION HEARING of HARRISON SUEGA, CDC No. E-46750, on NOVEMBER 30, 2006, and that the foregoing pages constitute a true, complete, and accurate transcription of the aforementioned tape(s) to the best of my ability.

I hereby certify that I am a disinterested party in the above-mentioned matter and have no interest in the outcome of the hearing.

---

Dated January 31, 2007, at Sacramento  
County, California.



---

Berenice Billington  
Transcriber  
NORTHERN CALIFORNIA COURT REPORTERS

EXHIBIT "B"

# SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

DEPT 100

Date: AUGUST 23, 2007	Judge	JOSEPH M. PULIDO	Deputy Clerk
Honorable: STEVEN R. VAN SICKLEN	Bailiff	NONE	Reporter
NONE			

(Parties and Counsel checked if present)

BH004498

In re,  
HARRISON SEUGA,  
Petitioner,  
On Habeas Corpus

Counsel for Petitioner:

Counsel for Respondent:

Nature of Proceedings: ORDER RE: WRIT OF HABEAS CORPUS

The Court has read and considered petitioner's Writ of Habeas Corpus filed on April 5, 2007. Having independently reviewed the record, giving deference to the broad discretion of the Board of Parole Hearings ("Board") in parole matters, the Court concludes that the record contains "some evidence" to support the Board's finding that petitioner is unsuitable for parole (See Cal. Code Reg. Tit. 15, §2402; *In re Rosenkrantz* (2002) 29 Cal.4<sup>th</sup> 616, 667 (hereafter *Rosenkrantz*)).

Petitioner was received in the Department of Corrections on February 23, 1990 after a conviction for second-degree murder with use of a firearm, assault with a firearm and discharge of a firearm. He was sentenced to seventeen years to life. His minimum parole eligibility date was August 31, 2000. The record reflects that on January 21, 1989, a fight broke out in the parking lot outside of the Veterans of Foreign Wars Hall. As a security guard attempted to break up the fight, several members of the West Side Wilmas street gang arrived with bats and pipes. They beat on the door to the hall because the guard would not let them in. Petitioner, who was not a member of the gang, but was along for the ride, exited a vehicle armed with an uzi. One of his friends told him to shoot the door, at which time petitioner fired eleven rounds into the door. He killed the security guard, who was standing in front of the entrance. He also shot a five year old girl and an eighteen year old boy each in the leg.

The Board found petitioner unsuitable for parole after a parole consideration hearing held on November 30, 2006. Petitioner was denied parole for two years. The Board concluded that petitioner was unsuitable for parole and would pose an unreasonable risk of danger to society and a threat to public safety. The Board based its decision on several factors, including his commitment offense.

The record reflects that there is some evidence that the commitment offense was especially heinous because multiple victims were attacked, injured or killed in the same incident. (Cal. Code Regs., tit. 15, §2402, subd. (c)(1)(A).) Petitioner intentionally fired eleven rounds from an uzi at an occupied public building. Although only one person died as a result of the shooting, two others, including a young child, were injured. The fact that multiple victims were attacked is a factor that tends to indicate unsuitability for parole.

The Court finds that there is some evidence to support the board's finding that "the motive for the crime is inexplicable or very trivial in relation to the offense" (Cal. Code Regs., tit. 15, §2402, subd. (c)(1)(E).) "To

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES****DEPT 100**

Date: AUGUST 23, 2007

Honorable: STEVEN R. VAN SICKLEN  
NONEJudge  
BailiffJOSEPH M. PULIDO  
NONEDeputy Clerk  
Reporter

(Parties and Counsel checked if present)

BH004498

In re,  
HARRISON SEUGA,  
Petitioner,  
On Habeas Corpus

Counsel for Petitioner:

Counsel for Respondent:

fit the regulatory description, the motive must be materially less significant (or more "trivial") than those which conventionally drive people to commit the offense in question, and therefore more indicative of a risk of danger to society if the prisoner is released than is ordinarily present." (*In re Scott* (2004) 119 Cal.App.4<sup>th</sup> 871, at 893.) In this case, it is not clear why petitioner shot and killed the victim. He stated that he wanted to be accepted by the gang members who were already engaged in the altercation. He told the Board, "They were yelling, 'Shoot the door,' and I turned to Shawn. Shawn says, 'Shoot the door,' and I shot at the door." (Reporter's Transcript, November 30, 2006, p. 14.) The Board was justified in concluding that peer pressure and the desire to fit in with gang members are materially less significant motives than those motives which conventionally drive people to commit murder, thus indicating that petitioner poses a greater risk of danger to society if released than is ordinarily present.

Accordingly, the petition is denied.

The court order is signed and filed this date. The clerk is directed to give notice.

A true copy of this minute order is sent via U.S. Mail to the following parties:

Harrison Seuga  
E-46750  
San Quentin State Prison  
San Quentin, California 94974

Department of Justice – State of California  
Office of the Attorney General  
Gregory J. Marcot, Deputy Attorney General  
110 West A Street, Suite 1100  
San Diego, California 92101

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION THREE

COURT OF APPEAL - SECOND DIST.  
**FILED**  
SEP 25 2007  
JOSEPH A. LANE Clerk  
Z. HERALDEZ Deputy Clerk

In re

HARRISON SEUGA,

on

Habeas Corpus.

B201908

(Los Angeles County  
Super. Ct. No. A042687)  
(Steven Van Sicklen, Judge)

ORDER

BY THE COURT:

The petition for writ of habeas corpus, filed September 10, 2007, has been read and considered and is denied. (*In re Dannenberg* (2005) 34 Cal.4th 1061, 1070-1071; *In re Rosenkrantz* (2002) 29 Cal.4th 616, 676-677.)

Court of Appeal, Second Appellate District, Div. 3 - No. B201908  
S157028

**IN THE SUPREME COURT OF CALIFORNIA**

**En Banc**

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In re HARRISON SUEGA on Habeas Corpus

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The petition for review is denied.

SUPREME COURT  
FILED

DEC 12 2007

Frederick K. Ohlrich Clerk

Deputy

**GEORGE**

Chief Justice